



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Engineering Wing - Petition against transfer - Order dated 22.08.2022 of the Hon'ble Kerala Administrative Tribunal in OA No.1386/2022 - Compiled with - Orders issued.

LOCAL SELF GOVERNMENT (EWB) DEPARTMENT

G.O.(Rt)No.3200/2022/LSGD Dated,Thiruvananthapuram, 26-12-2022

- 1 Read 1 Representation submitted by Sri.Chandra Das.G, Asst. Engineer dated 11.08.2022.
- 2 Order of the Hon'ble Kerala Administrative Tribunal dated 22.08.2022 in OA No.1386/2022.
- 3 Letter Nos.E3/8111/2022/CE/LSGD dated 09.11.2022 and E3/11381/2022/CE/LSGD dated 20.12.2022 from the Chief Engineer, LSGD.

ORDER

The applicant, Sri.Chandra Das.G, Asst. Engineer has filed OA No.1386/2022 before the Hon'ble Kerala Administrative Tribunal aggrieved by Annexure A14 order of transfer issued by the 3rd respondent, the Chief Engineer, LSGD dated 08.07.2022, through which he was transferred from the post of Assistant Engineer, Thazhava Grama Panchayat in Kollam District to the Vazhoor Block Panchayat in Kottayam District.

2. In the order dated 22.08.2022 in the above cited OA the Hon'ble.Kerala Administrative Tribunal directed the 1st respondent to consider and pass appropriate orders on Annexure A18 representation submitted by the applicant at the earliest, at any rate, within a period of two months from the date of receipt of a copy of this order.
3. In the Annexure A18 representation submitted by the applicant it is stated that the transfer order is issued as a punitive order raising false and frivolous allegations against him without conducting proper enquiry

and disciplinary proceedings and without affording him sufficient opportunity of being heard.

4. Based on his Annexure A18 representation the applicant was heard. At the time of the hearing also he stated the same arguments on Annexure A18 representation and he produced the document for proving his treatment for stroke, kidney problems and physical ailments & disabilities caused after a fatal road accident occurred in the year 2017. He also requested to transfer him to Karunagappally Municipality or Kulaseharapuram Grama Panchayath.
5. On going through the matter it is seen that the Thazhava Grama Panchayath Administration has taken a resolution to transfer the applicant from their office due to dereliction in official duties and scoffing the administrative committee before the public. The Vigilance Section in the Office of the Chief Engineer has enquired about the matter to the Executive Engineer LSGD Division Kollam and on the basis of that report it is envisaged that the applicant performance and approach in executing the official duties along with public works assigned to him is not satisfactory. Memo of Charges/Statement of Allegations were issued to him before the issuance of transfer order. For proper conducting an unbiased enquiry against the applicant he was transferred from the Kollam Thazhva Panchayath to Kottayam Thazhoor BP in the post of Assst. Engineer since there is no open vacancy existing in Kollam District. The applicant has relieved from his old station and has not joined in the new station ie; Kottayam Thazhoor BP.
6. From the Original Application it is cognize that the applicant health condition is not well. But that is not only a reason to refrain from the official duties assigned to him even though the LSGI works were properly implemented in stipulated time for their proper utilization of funds and there only to acquire funds for next financial year also. Earlier, it is well aware about the applicant health condition is very pathetic and so as to issue transfer order previously from Madappally GP, Kottayam to Kulasekharapuram GP, Kollam which is nearest to residing station. From that office also he is not engaging in official duties and the same situation arose and is transferred to Thazhava GP, Kollam.
7. Government examined the matter in detail. Based on his health condition and physical disability, a lenient view is taken, and the Chief Engineer is directed to transfer the applicant to the Kollam District or nearby district where ever the vacancy exists and thus the Annexure A18 representation submitted by the applicant is disposed of and the Order of

the Hon'ble Kerala Administrative Tribunal dated 22.08.2022 in OA-1386/2022 filed by Sri.Chandra Das.G, Asst. Engineer is complied with accordingly.

(By order of the Governor)
T MAYO BHASKAR
UNDER SECRETARY

To:

1. The Officer concerned (through the Chief Engineer, LSGD).
2. The Advocate General, Thiruvananthapuram (with Covering Letter).
3. The Chief Engineer, LSGD, Thiruvananthapuram.
4. The Accountant General (A&E/Audit) Kerala, Thrissur.
5. The Executive Director, Information Kerala Mission.
6. The Web & New Media, I & PRD.
7. Stock File/Office Copy.

Forwarded /By order
Signed by Subha S
Date: 26-12-2022 14:11:20
Section Officer